

4331. Misbranding of candy. U. S. v. 21 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 8406. Sample No. 12846-F.)

On September 23, 1942, the United States attorney for the District of Oregon filed a libel against 21 cases, each case containing 36 packages, of candy, at Eugene, Oreg., alleging that the article had been shipped in interstate commerce on or about August 18, 1942, by the Honeycrisp Candy Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Honeycrisp Candy Peanut Butter Toasties * * * 12 ozs. net."

It was alleged to be misbranded (1) in that the designation "Honeycrisp" was false and misleading as applied to an article containing little or no honey; (2) in that its container was so filled as to be misleading since the contents occupied only between 71 and 72 percent of its capacity; and (3) in that the statement of the quantity of the contents required to appear on the label was not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or devices in the labeling, as to render it likely to be read by an ordinary individual under customary conditions of purchase.

On November 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SUGAR**4332. Adulteration of sugar. U. S. v. 137 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond for remanufacturing or re-refining. (F. D. C. No. 8854. Sample No. 9750-F.)**

This product had been stored under insanitary conditions after shipment. When examined, rodent pellets were found on the bags, and many bags contained yellow stains, apparently rodent urine. Samples of sugar taken from the bags were contaminated with urine.

On November 11, 1942, the United States attorney for the Southern District of Alabama filed a libel against 137 100-pound bags of sugar in possession of the McGraw Candy Co., Mobile, Ala., alleging that the article had been shipped in interstate commerce within the period from on or about February 14 to on or about June 20, 1942, from Havana and Matanzas, Cuba, and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Hershey's Pure Cane Sugar Granulated Made in Central Hershey, Cuba."

On December 11, 1942, the McGraw Candy Co., of Mobile, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for re-refining under the supervision of the Food and Drug Administration.

4333. Adulteration of sugar. U. S. v. 76 Bags of Sugar. Consent decree of condemnation. Product released under bond for reconditioning under the supervision of the Food and Drug Administration. (F. D. C. Nos. 8165, 8166. Sample Nos. 4037-F, 4615-F.)

This product had been stored under insanitary conditions after shipment. When the sugar was examined rodent pellets were found on and around the bags, and numerous bags contained rodent urine stains.

On August 20, 1942, the United States attorney for the Eastern District of Tennessee filed a libel against 76 100-pound bags of sugar in the possession of Ragland Brothers & Co. at Chattanooga, Tenn., alleging that the article had been shipped in interstate commerce on or about June 11 to July 17, 1942, from Reserve, La., and Pensacola, Fla.; and charging that it was adulterated in that it consisted of a filthy, putrid, or decomposed substance and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Godchaux's [or "Snow White"] Pure Cane Sugar."

On December 12, 1942, Ragland Brothers & Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought in compliance with the law under the supervision of the Food and Drug Administration. It was denatured and disposed of in the manufacture of adhesives.

4334. Adulteration of sugar. U. S. v. 450 Bags of Cane Sugar. Product ordered released under bond for re-refining. (F. D. C. No. 8539. Sample No. 9013-F.)

This product had been stored under insanitary conditions after shipment. When the sugar was examined it contained rodent hair fragments, beetles, insect parts, and miscellaneous filth.

On October 7, 1942, the United States attorney for the Eastern District of Texas filed a libel against 450 100-pound bags of sugar in possession of T. L. Brice Co., Sherman, Tex., alleging that the article had been shipped in interstate commerce within the period from on or about February 18 to on or about April 25, 1942, from Shreveport, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Bag) "Cane River Brand Pure Cane Granulated Sugar Distributed by J. D. Philar Company, Inc. Shreveport, Louisiana."

On November 19, 1942, the T. L. Brice Co., having appeared as claimant, judgment was entered ordering that the product be released under bond for re-refining under the supervision of the Food and Drug Administration.

CHOCOLATE PRODUCTS

4335. Adulteration of chocolate coating. U. S. v. 90 Bags of Chocolate Coating. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 8414. Sample No. 4283-F.)

This product had been stored under insanitary conditions after shipment. When examined it was found to contain rodent hairs, insect webbing, and insect excreta. Rodent teeth marks were found on the samples examined and mouse pellets and other evidence of rodent infestation were found.

On September 24, 1942, the United States attorney for the Northern District of Ohio filed a libel against 90 bags of light chocolate coating at Kenton, Ohio, alleging that the article had been shipped in interstate commerce on or about February 5, 1941, from Elizabethtown, Pa., and that it was in possession of the Runkle Co., Kenton, Ohio; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been stored and held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "200 Lbs. Net Klein's Special Light Chocolate Coating."

On October 29, 1942, the Runkle Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

4336. Adulteration of chocolate sirup. U. S. v. 99 Cases of Chocolate Sirup. Default decree of condemnation and destruction. (F. D. C. No. 8465. Sample No. 12418-F.)

This product was fermented and decomposed.

On October 1, 1942, the United States attorney for the Western District of Washington filed a libel against 99 cases, each case containing 24 jars, of chocolate sirup at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 10, 1942, in a pool car shipment for the Fireside Marshmallow Mfg. Co., from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Jars) "Fireside Topping Chocolate."

On October 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4337. Adulteration of chocolate coating. U. S. v. 20 Cases of Chocolate Coating. Default decree of condemnation and destruction. (F. D. C. No. 8532. Sample No. 12862-F.)

This product contained rodent-type hairs and insect fragments.

On October 8, 1942, the United States attorney for the District of Oregon filed a libel against 20 50-pound cases of chocolate coating at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about August 28, 1942, by the Washington Chocolate Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.